

REMARKS

Claim 5 is amended; and as a result, claims 1-5 are now pending in the above-identified patent application. Claim 5 is not amended in response to an art rejection. Claim 5 is amended to obviate an objection to an element lacking a proper antecedent basis.

Objections to Specification

The abstract was objected to as reflecting more than the invention claimed in this divisional application. The specification is amended to obviate the objection. Therefore, applicant requests withdrawal of the objection.

The disclosure was objected to because the cross-reference section did not contain the patent number of the issued parent case. The application is amended to obviate the objection. Therefore, applicant requests withdrawal of the objection.

The title was objected to as not being descriptive. 37 C.F.R. 1.72 states that the title should be as short and specific as possible. Applicant respectfully submits that the title includes nine words of which four are adjectives, and therefore respectfully submits that the title is sufficiently descriptive to fall within the regulations.

§112 Rejection of the Claims

Claim 5 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 was rejected for including an element that did not have a proper antecedent basis. Claim 5, as amended, recites, "the conductive structure" in place of "the heat sink." Each of the elements in claim 5, as amended, have a proper antecedent basis. Therefore, applicant requests withdrawal of the rejection and reconsideration and allowance of claim 5.

§102 Rejection of the Claims

Claims 1, 2, 4, and 5 were rejected under 35 USC § 102(b) as being anticipated by Baer (U.S. 5,070,933). Applicant respectfully traverses the rejection of claims 1, 2, 4, and 5 as being anticipated by Baer.

Claim 1 recites, "*injecting* a plurality of spheres into the cavity." (Emphasis added.) In contrast, Baer, at column 3, line 52, discloses, "[p]referably these insulation elements are in the form of spheres." Thus, Baer fails to disclose "*injecting* a plurality of spheres into the cavity," as recited in claim 1. Hence, Baer fails to disclose each of the elements of claim 1. Thus, the Office action fails to state a *prima facie* case of anticipation with respect to claim 1. Therefore, applicant requests withdrawal of the rejection and reconsideration and allowance of claim 1.

Claims 2, 4, and 5 are dependent on claim 1. For reasons analogous to those stated above and elements in the claims, applicant respectfully submits that the Office action fails to state a *prima facie* case of anticipation with respect to claims 2, 4, and 5. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 2, 4, and 5.

Further, claim 2 recites, "a cavity surface having a plurality of *ramp* structures formed on the cavity surface." (Emphasis added.) In contrast, Baer fails to recite the word "ramp." Thus, Baer fails to disclose each of the elements of claim 2. Thus, the Office action fails to state a *prima facie* case of anticipation with respect to claim 2. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claim 2.

In addition, claim 5, as amended, recites, "closing an *injection* hole in the conductive structure." (Emphasis added.) In contrast, Baer fails to recite the word "injection." Thus, Baer fails to disclose each of the elements of claim 5. Thus, the Office action fails to state a *prima facie* case of anticipation with respect to claim 5. Therefore applicant requests withdrawal of the rejections and reconsideration and allowance of claim 5.

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Van Iperen *et al.* (U.S. 4,923,077). Applicant respectfully traverses the rejection of claims 1-5 as being anticipated by Van Iperen *et al.*

Claim 1 recites, "forming a *conductive structure* having a cavity." (Emphasis added.) In contrast, Van Iperen *et al.* discloses "an outer container 62, formed of corrugated cardboard." Corrugated cardboard is not conductive. Thus, Van Iperen *et al.* does not disclose "forming a

conductive structure having a cavity," as recited in claim 1. (Emphasis added.) Hence, the Office action fails to state a *prima facie* case of anticipation with respect to claim 1. Therefore, applicant requests withdrawal of the rejection and reconsideration and allowance of claim 1.

Claims 2-5 are dependent on claim 1. For reasons analogous to those stated above and elements in the claims, applicant respectfully submits that the Office action fails to state a *prima facie* case of anticipation with respect to claims 2-5. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 2-5.

§103 Rejection of the Claims

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Iperen *et al.* (U.S. 4,923,077). Applicant respectfully traverses the rejection of claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over Van Iperen *et al.*

Claim 1 recites, "forming a *conductive structure* having a cavity." (Emphasis added.) In contrast, Van Iperen *et al.*, at column 5, line 40, discloses "plastic bottle 11." A plastic bottle is not a *conductive structure* because plastic is an insulator. Thus, Van Iperen *et al.* does not teach or suggest "forming a *conductive structure* having a cavity," as recited in claim 1. (Emphasis added.) Hence, the Office action fails to state a *prima facie* case of obviousness with respect to claim 1. Therefore, applicant requests withdrawal of the rejection and reconsideration and allowance of claim 1.

Claims 2-5 are dependent on claim 1. For reasons analogous to those stated above and elements in the claims, applicant respectfully submits that the Office action fails to state a *prima facie* case of obviousness with respect to claims 2-5. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 2-5.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone applicant's attorney at 612-371-2109 to facilitate prosecution of the above-identified application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

October 7, 2004

By

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7 day of October, 2004.

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